

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY *CJ*
05 DEC 29 AM 8:34
D.C.
CLERK OF DISTRICT COURT
NORTH OF TENNESSEE

JEFFREY E. DUNLAP,

Petitioner,

vs.

No. 05-1385-T/An

TONY PARKER

Respondent.

ORDER PURSUANT TO 28 U.S.C. § 2241(d)
TRANSFERRING HABEAS PETITION

The petitioner, Jeffrey E. Dunlap, an inmate at the Northwest Correctional Complex (NWCX), Site 1, in Tiptonville, Tennessee, has filed a petition under 28 U.S.C. § 2254, attacking his conviction entered in the Knox County Criminal Court in Knoxville, Tennessee, in 1995. The petitioner enclosed an application to proceed in forma pauperis but did not enclose a trust fund account statement or certification of a prison official as to his balance. Because the complaint is being transferred, the motion to proceed in forma pauperis should be addressed by the transferee court.

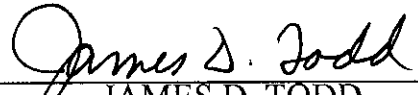
It is ORDERED that the Clerk shall file the petition but shall not issue any process. The Clerk of Court is ORDERED to record the respondent as Tony Parker.

While a petitioner may file a habeas petition in either the district where the judgment of conviction was entered, or the district where he is incarcerated, 28 U.S.C. § 2241(d), the consistent practice in the Tennessee federal courts has been to transfer habeas petitions to the district in which the convicting court is located. In this case it appears that the Eastern District of Tennessee is the situs of petitioner's conviction. See 28 U.S.C. § 123(a)(1)(including Knox County within the Eastern District, Northern Division). Because petitioner's conviction was entered in Knox County, those state records are not readily

accessible to this Court. It is thus in the interests of justice for this petition to be transferred. Therefore, under § 2241(d), the interests of justice require that this case be accepted for filing in this District, and then transferred to the Eastern District of Tennessee.

Accordingly, it is hereby ORDERED that the Clerk transfer this case to the United States District Court for the Eastern District of Tennessee, forthwith.

IT IS SO ORDERED this 28th day of December, 2005.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 3 in case 1:05-CV-01385 was distributed by fax, mail, or direct printing on December 30, 2005 to the parties listed.

Jeffrey E. Dunlap
NWCF-TIPTONVILLE
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Tiptonville, TN 38079

Honorable James Todd
US DISTRICT COURT